

REMARKS

Claims 25-34 and 64-73 were pending in this application when the present Office Action was mailed (November 3, 2006). In this response, claims 31 and 64 have been amended, and no claims have been canceled. Accordingly, claims 25-34 and 64-73 are currently pending.

In the November 3, 2006 Office Action, claims 31-33, 64, and 65 were rejected. More specifically, the status of the application in light of this Office Action is as follows:

- (A) Claims 31-33, 64, and 65 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,391,827 to Govatsos ("Govatsos");
- (B) Claims 34 and 66-73 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form; and
- (C) Claims 25-30 are allowed.

The undersigned attorney wishes to thank the Examiner for engaging in a telephone interview on February 5, 2007. During the telephone interview, claim 31 and the teachings of the cited Govatsos reference were discussed. The Examiner clarified that the flat plate 33 of Govatsos was read to include a plurality of continuous sections. The following remarks reflect and expand upon the points discussed during the February 5, 2006 telephone interview. Accordingly, applicants respectfully request that this paper constitute applicants' interview summary. If the Examiner notices any deficiencies in this regard, the Examiner is encouraged to contact the undersigned representative.

A. Response to the Section 102(b) Rejection under Govatsos

Claims 31-33, 64, and 65 were rejected under 35 U.S.C. § 102(b) as being anticipated by Govatsos. Even though the applicants respectfully disagree with these rejections, independent claims 31 and 64 have been amended to further clarify the claimed subject matter. For the reasons discussed below, Govatsos does not support a Section 102 rejection of claims 31-33, 64, and 65. As a result, the Section 102 rejections of these claims should be withdrawn.

Claim 31 is directed to a retainer for holding a tray stack having a plurality of trays that are configured to carry microelectronic devices. The retainer includes a casing having a guide structure with a first end and a second end, an interior holding area, and an opening at least proximate to the second end. The guide structure is configured to support the tray stack with respect to a load/unload path and to allow the tray stack to move through the guide structure along the load/unload path. The retainer also includes a plurality of selectively moveable retaining elements disposed inside the guide structure and at least proximate to the second end. The retaining elements are moveable between a storage position, in which the retaining elements project into the interior holding area of the guide structure and a load/unload position, in which the retaining elements either do not project as far into the interior holding area or are completely removed from the interior holding area. The retainer further includes a floating plate moveably coupled to the guide structure and positioned in the casing to move along the load/unload path and push the trays against the retaining elements when the retaining elements are in the storage position and push the trays out of the casing when the retaining elements are in the load/unload position.

Govatsos discloses a container dispensing machine that includes a sloped guide 1 for holding a stack of containers. (column 4, lines 48-50). The guide 1 includes a discharge port 5, through which individual containers are discharged and placed on a conveyor belt 9. (column 4, lines 50-53). A spring loaded drive 17 located at the entrance end 3 of the guide 1 can press the containers forward. (column 4, lines 65-75). Above the conveyor belt 9, a flat plate 33 is disposed in a plane parallel with the plane of the discharge port 5 of the guide 1. (column 5, lines 20-23). The flat plate 33 can retract using a piston 35. (column 4, lines 33-35).

Govatsos does not support a Section 102 rejection of claim 31 because Govatsos fails to disclose several features of claim 31. For example, Govatsos does not disclose "a plurality of selectively moveable retaining elements." Assuming, for the sake of argument, that Govatsos' flat plate 33 can include a plurality of continuous sections that correspond at least in part to the retaining elements of claim 31, the sections of the flat plate 33 are not selectively movable because Govatsos specifically discloses that "flatness makes for ease of fabrication of the plate 33 and parallelism makes for optimal performance [of the machine]." (column 5, lines 27-30).

Thus, the sections of the flat plate 33 are not selectively movable because all the sections must be moving as a unit at the same time and over the same distance. Further, Govatsos does not disclose that the "retaining elements [are] disposed inside the guide structure and at least proximate to the second end." Assuming, for the sake of argument, that Govatsos' guide 1 corresponds at least in part to the guide structure of claim 31, the flat plate 33 is not disposed inside the guide 1. Instead, Govatsos discloses that the flat plate 33 is disposed outside the guide 1 in a plane parallel with the plane of the discharge port 5 of the guide 1. For at least the reasons discussed above, Govatsos fails to disclose each and every feature of claim 31, and therefore Govatsos does not support a Section 102 rejection of claim 31 because .

Claims 32 and 33 depend from claim 31. Accordingly, these claims are also patentable over Govatsos for at least the foregoing reasons discussed above and for the additional features of these dependent claims.

Claim 64 has been amended to include subject matter generally analogous to that of claim 31. As a result, claim 64 is patentable over Govatsos for at least the foregoing reasons discussed above and for the additional features of claim 64. Claim 65 depends from claim 64. Accordingly, claim 65 is also patentable over Govatsos for at least the foregoing reasons discussed above and for the additional features of claim 65.

B. Response to Claim Objections

Claims 34 and 66-73 were objected to as being dependent upon a rejected base claim. Claim 34 depends from claim 31, and claims 66-73 depend from claim 64. As discussed above, claims 31 and 64 are patentable over the cited prior art. As a result, the objections to these claims for being dependent upon a rejected base claim should be withdrawn.

C. Indication of Allowable Subject Matter

The applicants would like to thank the Examiner for the indication of allowable claims 25-30. Claims 25-30 have not been amended in this response.

D. Conclusion

In view of the foregoing, the pending claims comply with the requirements of 35 U.S.C. § 112 and are patentable over the applied art. The applicants accordingly request reconsideration of the application and a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact the undersigned representative at (206) 359-6038.

Respectfully submitted,

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